

**HOUSE BILL NO. 277**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES DAVIES, Dyson**

**Introduced: 1/14/02**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to liens by owners of self-storage facilities; distinguishing self-storage**  
2   **facility liens from another type of storage lien; and excluding self-storage liens from the**  
3   **treatment of certain unclaimed property."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5    \* **Section 1.** AS 34.35 is amended by adding a new section to article 5 to read:

6           **Sec. 34.35.227. Application.** AS 34.35.220 - 34.35.225 do not apply to self-  
7           storage facilities. In this section, "self-storage facilities" has the meaning given in  
8           AS 34.35.649.

9    \* **Sec. 2.** AS 34.35 is amended by adding new sections to read:

10                   **Article 13A. Self-Storage Facilities.**

11           **Sec. 34.35.600. Self-storage facility liens.** (a) A person who owns a self-  
12           storage facility has a lien on the personal property that is stored in a storage unit for  
13           the payment of the rental charges for the unit.

14                   (b) If the rental charges for a storage unit are unpaid for 60 days after the

1 charges are due under the unit renter's agreement with the facility owner, a facility  
 2 owner may deny the unit renter access to the unit by changing the lock or by other  
 3 means, and may take possession of the personal property stored in the self-storage  
 4 unit.

5 **Sec. 34.35.610. Mailed notice required.** (a) If a facility owner takes  
 6 possession of personal property under AS 34.35.600(b), the facility owner shall send a  
 7 written notice by certified mail, return receipt requested, to the unit renter at the unit  
 8 renter's last known address.

9 (b) The notice mailed under (a) of this section must inform the unit renter that

10 (1) the facility owner has taken possession of the personal property in  
 11 the storage unit for nonpayment of rental charges;

12 (2) the facility owner will publish this notice one time in a newspaper  
 13 of general circulation in the judicial district where the self-storage facility is located;

14 (3) after 21 days have elapsed from the date of the publication under  
 15 AS 34.35.620 without payment of the amount owed, the facility owner will dispose of  
 16 the property at a place, at a time, and in a manner determined by the facility owner in  
 17 the sole discretion of the facility owner, consistent with AS 34.35.630;

18 (4) the amount owed under (3) of this subsection includes any mailing  
 19 and publication costs that have been incurred by the facility owner under this section  
 20 and AS 34.35.620;

21 (5) if, after the property has been disposed of by the facility owner, the  
 22 proceeds of the disposition exceed the amount owed, the unit renter may claim the  
 23 excess proceeds from the facility owner within one year from the date of publication  
 24 of the notice;

25 (6) the amount owed under (5) of this subsection includes the costs,  
 26 including personnel and administrative costs, of disposing of the property; and

27 (7) the unit renter will not receive another notice.

28 (c) The notice mailed under (a) of this section must also identify the self-  
 29 storage facility by name and address, state the name of the facility owner, provide a  
 30 telephone number for reaching the facility owner or the owner's agent, and provide an  
 31 address where the unit renter can pay the amount owed.

1           **Sec. 34.35.620. Publication required.** In addition to the notice required by  
2 AS 34.35.610, the facility owner shall publish one time in a newspaper of general  
3 circulation in the judicial district where the self-storage facility is located the  
4 information required by AS 34.35.610(b) and (c) to be in the notice mailed under  
5 AS 34.35.610.

6           **Sec. 34.35.630. Disposal of property and proceeds.** (a) When a facility  
7 owner has taken possession of property under AS 34.35.600, the facility owner has  
8 complied with AS 34.35.610 and 34.35.620, and the unit renter has not paid the  
9 amount owed within 21 days from the date of the publication made under  
10 AS 34.35.620, the facility owner may, without further notice to the unit renter, dispose  
11 of the property at a place, at a time, and in a manner determined by the facility owner  
12 in the sole discretion of the facility owner, consistent with (b) of this section.

13           (b) If the property subject to the lien appears to be salable, the facility owner  
14 shall attempt to sell the property. If the facility owner cannot sell the property or if the  
15 property appears to have little value, the facility owner may sell, give away, or throw  
16 away the property.

17           (c) If all or part of the property is sold under this section, the proceeds shall be  
18 applied to reduce the amount owed by the unit renter. If the proceeds exceed the  
19 amount owed, the excess becomes the property of the facility owner unless the unit  
20 renter claims the excess within one year from the date of publication under  
21 AS 34.35.620.

22           (d) The facility owner shall keep for one year from the date of publication  
23 under AS 34.35.620 a written record of when and how the facility owner disposed of  
24 the property. The facility owner shall allow the unit renter to review the record upon  
25 request.

26           **Sec. 34.35.640. Release of recorded lien.** Notwithstanding AS 34.35.900(a),  
27 a facility owner is not required to deliver to the unit renter an acknowledgment of  
28 satisfaction suitable for recording when a lien under AS 34.35.600 - 34.35.649 is  
29 satisfied by payment.

30           **Sec. 34.35.649. Definitions.** In AS 34.35.600 - 34.35.649,

31           (1) "amount owed" means

1 (A) the rental charges owed to a facility owner by a unit renter;

2 (B) any costs incurred by a facility owner for mailing and  
3 publishing the notice of the lien under AS 34.35.610 and 34.35.620; and

4 (C) any costs, including personnel and administrative costs,  
5 incurred by a facility owner for disposing of the property;

6 (2) "facility owner" means a person who owns a self-storage facility;

7 (3) "self-storage facility" means a facility

8 (A) that provides storage space for rent for payment of a rental  
9 charge; and

10 (B) where the unit renter controls the access to the storage unit  
11 and controls the storage unit's contents by a lock or other means;

12 (4) "storage unit" means a rental unit in a self-storage facility;

13 (5) "unit renter" means the person who rents a storage unit.

14 \* **Sec. 3.** AS 34.45 is amended by adding a new section to article 1 to read:

15 **Sec. 34.45.095. Application.** AS 34.45.010 - 34.45.085 do not apply to self-  
16 storage facilities. In this section, "self-storage facilities" has the meaning given in  
17 AS 34.35.649.